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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/26/2001

Serge Lanvin

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07/19/2006

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EXAMINER

HAMILTON, ISAAC N

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/994,394	<b>Applicant(s)</b> LANVIN ET AL.	
	<b>Examiner</b> Isaac N. Hamilton	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment after final of 06/26/06 is hereby entered and a new final Office action is set forth below. The Examiner entered the amendment after final to reduce the issues concerning the limitation "center line" and in order to respond to the applicant's arguments concerning the new rejections based upon the Ganneval and Foster references.

#### ***Claim Objections***

2. Claim 15 is objected to because of the following informalities: "fold line" on line 6 should be changed to --center line-- because "fold line" is an element that is part of the product. The Examiner is interpreting this limitation as the center line of the tool because in light of the specification and the figures, the "fold center line" and the --center line-- of the tool are coplanar. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al (5,524,930), hereafter Foster.

Regarding claims 1, 14 and 15, note first section on the right side of midpoint 18 in figure 1; plurality of perforating teeth 20 on the right side of cutting zone 16 in figure 1; perforation-free gap juxtaposed between the cutting zone 16 and the first perforating tooth 20 on the right side of cutting zone 16; second section to the left of midpoint 18 in figure 1; cutting zone 16;

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perforating elements 20 on the left side of cutting zone 16; perforating elements being angled 23 in figure 3; longitudinal axis 26; centerline is the cutting edge of element 16 which is in the center of the tool as recited in column 2, lines 51-54.

Regarding claims 2 and 3, note juxtaposition of perforation-free gap and cutting zone in figure 1, and group of perforating elements 20 on the left side of the cutting zone in figure 1.

Regarding claims 4 and 5, note angle between 20 and 40 degrees in column 4, lines 18-20.

Regarding claim 6, note two groups 23 and 24 to the left of cutting zone 19 in figure 3; and cutting segments 22 in figure 1.

Regarding claim 8, note perforating elements 23 and 24 at a rear edge are angled on one side of axis 26 in figure 3.

Regarding claim 9, note perforating elements 23 and 24 at a front edge are angled on one side of axis 26 in figure 3.

Regarding claim 10, note perforating tongues 20 in figure 1.

Regarding claim 11, note slit-shaped openings 24 in figure 1.

Regarding claim 12, note slanted tip of perforating element 10 juxtaposed between element 44 and element 32 in figure 5.

Regarding claim 13, note lengths of first and second sections are the same in figure 3.

Regarding claim 14, note web-processing printing machine in column 1, lines 7-22.

Regarding claim 16, note the center line is the cutting edge of element 16 at the center of the tool as recited in column 2, lines 51-54.

Regarding claim 17, note spaces 24 in figure 2. The perforation-free gap is interpreted as the space juxtaposed cutting zone 16 and the first tooth 20. As shown in figure 3, since the teeth 20 are at an angle, the distance between the cutting zone and the closest tip of the first tooth 20 is larger than the spaces 24 in figure 2. The distances appear to be equal in figure 2, however, this figure is in a profile view, and figure 3 clearly shows that the perforation-free gap is clearly larger than spaces 24.

Regarding claims 18 and 19, note the cutting edge of the cutting zone 16 and the center line are the same. Thus, the cutting zone borders the perforation-free gap at the fold center line. Also, the first section and the second section are on either side of midpoint 18 and are halves of the tool.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Wadzinski (5,146,829). Foster discloses everything as noted above, but does not disclose perforating elements symmetrically angled with respect to the axis. However, Wadzinski teaches perforating elements 22 symmetrically angled with respect to the axis 20 in figure 1. It would have been obvious to provide perforating elements symmetrically angled with respect to the axis in Foster as taught by Wadzinski in order to apply even pressure to the rear side and front side of the perforating elements while they engage the web material.

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7. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(b) as being unpatentable over Ganneval (FR2782504A1) in view of Foster. Ganneval discloses tool 34; first section below element 43 in figure 4; second section above element 43; perforation-free gap 46; cutting zone 45; group of perforating elements in alternating sequential fashion 44; center line collinear with element 43; longitudinal axis is collinear with element 34; cutting segments 45; tongues 44; lengths of sections are the same as recited in column 9, lines 22-27. Ganneval does not teach perforating elements angled with respect to the longitudinal axis of the second section.

However, Foster teaches perforating elements angled with respect to the longitudinal axis of the second section in columns 2 through 3, lines 56 through 20, respectively. It would have been obvious to provide perforating elements angled with respect to the longitudinal axis of the second section in Ganneval as taught by Foster in order to enable the workpiece to twist more easily. Note in Foster, angle between 20 and 40 degrees in column 4, lines 18-20, in Foster; an angle of 30 degrees falls within the range; perforating elements 23 and 24 at a rear edge are angled on one side of axis 26 in figure 3; perforating elements 23 and 24 at a front edge are angled on one side of axis 26 in figure 3; slit-shaped openings 24 in figure 1; slanted tip of perforating element 10 juxtaposed between element 44 and element 32 in figure 5.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ganneval and Foster as applied to claims 1-6 and 8-19, and further in view of Wadzinski. The combination discloses everything as noted above, but does not disclose perforating elements symmetrically angled with respect to the axis. However, Wadzinski teaches perforating elements 22 symmetrically angled with respect to the axis 20 in figure 1. It would have been obvious to provide perforating elements symmetrically angled with respect to the axis in the combination as

taught by Wadzinski in order to apply even pressure to the rear side and front side of the perforating elements while they engage the web material.

***Response to Arguments***

9. Applicant's arguments filed 06/26/06 have been fully considered but they are not persuasive. Applicant asserts that the cutting edge of element 16 cannot be the center line of the perforating tool, however, despite element 18 defining the midpoint in figure 1 as below the cutting edge of element 16, the midpoint of the tool lies along the cutting edge of 16 because the midpoint 18 of the perforating tool can be projected onto any point of the perforating tool along an axis that is perpendicular to the longitudinal axis of the perforating tool.

Moreover, the applicant asserts that the term "center line" is defined by the specification and the figures as element 29, which is perpendicular to the longitudinal axis of the perforating tool. It should be noted that the Examiner agrees that the applicant has adequately described what the limitation "center line" refers to in the specification and the figures, however, the Examiner is taking the broadest interpretation of the limitation, and the cutting edge of element 16 meets the broad limitation of "center line" it is in the center of the tool and it is a line. A relationship between the "center line" and the other limitations, such as the longitudinal axis, would be helpful in distinguishing between the center line in Foster and the "center line" in the present limitations. It should be noted that the term "adjacent" is a broad term and can be used to describe an element that is juxtaposed to another element, or to describe an element that is near another element with several other elements between the adjacent elements.

With regards to the rejection of Ganneval in view of Foster, applicant has presented several arguments. Firstly, applicant has argued that there is no element 34 in Ganneval. The

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Examiner agrees, however, due to lack of knowledge of the French language, the Examiner was using the US Patent 6,454,692 to Ganneval in order to understand the apparatus of Ganneval.

Element 34 is the perforating tool. Applicant should refer to the US Patent in order to understand the element numbers used from the figures.

Secondly, applicant asserts that one of ordinary skill in the art would not have modified the perforating tool in Ganneval in order to provide angled sections, however, it is believed that one of ordinary skill in the art would have made the necessary modifications to Ganneval in order to incorporate the improvements of Foster, which includes providing discrete sections on the perforating tool.

Thirdly, applicant asserts that there is no motivation to combine Ganneval and Foster, and asks the question "Why would one of skill in the art seek to twist the workpiece easily?". The motivation for combining Ganneval and Foster is explicitly stated in column 4, lines 40-44, of Foster. And the answer to applicant's question can be likewise be found in Foster in column 4, lines 54-60.

### ***Conclusion***

Applicant's amendment 08/04/03 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IAH

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July 13, 2006



KENNETH E. PETERSON  
PRIMARY EXAMINER